



United States Department of Justice

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September 1, 2023

Honorable David N. Hurd
United States District Court
Northern District of New York
Alexander Pirnie Federal Bldg. and U.S. Courthouse
10 Broad Street
Utica, New York 13501

Re: United States of America v. Christopher Swartz
Case No. 5-16-CR-0264 (DNH)

Dear Judge Hurd:

The government submits the following status report pursuant to the Court's Text Order dated June 1, 2023.

In its Mandate of May 26, 2023, the Circuit Court remanded this matter for the sole purpose of providing the Court with an opportunity to reconsider whether to grant Orienta leave to amend its claim. The government maintains that Orienta should not be granted leave to amend.

The United States met with counsel for Orienta on June 14, 2023, and the parties were unable to come to an agreement on this matter.

The government is aware of Orienta's intention to file a motion for leave to amend, opposes the motion, and respectfully requests a briefing schedule from the Court so that the parties may fully set forth their respective positions.

Respectfully submitted,

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cc: Jacqueline M. Arango, Esq., Akerman LLP, Counsel for Orienta